

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

NATHANIEL HENDERSON,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. C-06-00245
	§	
NATHANIEL QUARTERMAN,	§	
	§	
Respondent.	§	

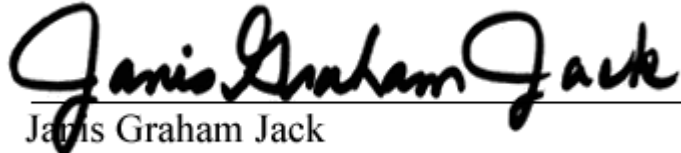
**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO GRANT RESPONDENT'S MOTION FOR SUMMARY JUDGMENT**

On December 21, 2006, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that respondent's motion for summary judgment (D.E. 19) granted, that petitioner's habeas petition (D.E. 1) be dismissed with prejudice, and that petitioner is not entitled to an evidentiary hearing. The Memorandum and Recommendation further recommended that petitioner be denied a certificate of appealability. A copy of the Memorandum and Recommendation was mailed to petitioner with a card to be returned indicating his receipt of the mailing. The card has not been returned by petitioner nor has the mailing been returned by the U.S. Post Office as undeliverable. Therefore, seeing no objection to this recommendation by either party and having now reviewed the recommendation, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, it is

ORDERED that respondent's motion for summary judgment (D.E. 19) is granted, petitioner's habeas petition (D.E. 1) is dismissed with prejudice and petitioner is not entitled to an evidentiary hearing. Petitioner is denied a certificate of appealability.

The clerk shall enter this order and provide a copy to all parties.

SIGNED this 2nd day of April, 2007.


Jarvis Graham Jack
United States District Judge